

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:17-CV-00314-GCM**

VIPER PUBLISHING, LLC,

Plaintiff,

v.

HOWARD BAILEY JR.,

Defendant.

ORDER

THIS MATTER comes before the Court upon Plaintiff Viper Publishing, LLC and Third-Party Defendant Leslie Charles King II's Motion in Limine (ECF Doc. 147), which was filed on April 26, 2021. Defendant Bailey has failed to respond to the Motion, and the time to do so has now expired. Accordingly, and having considered the facts and circumstances of the Motion, the Court concludes that the Motion should be **GRANTED**.

IT IS THEREFORE ORDERED that the Court shall preclude the admission of, or any reference to, (1) evidence or argument regarding the disposition of royalty payments before May 1, 2014; (2) allegations that King owed a fiduciary duty to Bailey based upon an attorney-client relationship; (3) the communication reflected in Exhibit 1 to Viper and King's memorandum of law (ECF Doc. 148-1); and (4) evidence of Bailey's financial condition or the relative wealth of the parties.

SO ORDERED.

Signed: May 6, 2021



Graham C. Mullen
United States District Judge

